Attorney or Party Name, Address, Telephone & Fax Nos., State Batemail Address JEREMY W. FAITH (SBN 190647) NOREEN A. MADOYAN (SBN 279227) MARGULIES FAITH, LLP 16030 Ventura Blvd., Suite 470 Encino California 91436 Telephone: (818) 705-2777 Facsimile: (818) 705-3777 Email: Jeremy@MarguliesFaithLaw.com Email: Noreen@MarguliesFaithLaw.com	r No. &	FOR COURT USE ONLY		
Attorney for Movant(s)				
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION				
In re:	Case N	lo.: 2:17-bk-11972-RK		
BEVERLY MONIQUE MURRAY-CALCOTE,	Chapter: 7			
Debtor(s).		DECLARATION THAT NO PARTY EQUESTED A HEARING ON MOTION LBR 9013-1(o)(3)		
Debitor(s).		[No Hearing Required]		
 I am the ☐ Movant(s) or ☒ attorney for Movant(s) On: May 15, 2017, Movant(s) filed a motion entitled Objecting to Debtor's Discharge; Memorandum of Gonzalez in Support Thereof and Notice of Opportus (Dkt. No. 18). A copy of the motion and notice of motion is attached. On: May 15, 2017, Movant(s) served a copy of ☐ motion on required parties using the method(s) identifies. Pursuant to LBR 9013-1(o), the notice of motion written response and request for a hearing is 14 day plus 3 additional days if served by mail, electronical. More than 21 days have passed since Movant(s) see 	Motion f Points nity to R ed hereto the notic d on the provide /s after to	e of motion or the motion and notice of Proof of Service of the notice of motion. that the deadline for filing and serving a the date of service of the notice of motion, ursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F).		

- 7. I have checked the docket for this bankruptcy case and/or adversary proceeding, and no response and request for hearing has been timely filed.
- 8. No response and request for hearing was timely served on Movant(s) via Notice of Electronic Filing, or at the street address, email address, or facsimile number specified in the notice of motion.
- 9. Based upon the foregoing, pursuant to LBR 9013-1(o), a hearing is not required.

WHEREFORE, Movant(s) requests that the court grant the motion and enter an order without a hearing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date June 5, 2017

/s/ Noreen A. Madoyan

Signature

Noreen A. Madoyan

Printed Name

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EXHIBIT 1

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Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address JEREMY W. FAITH (SBN 190647) NOREEN A. MADOYAN (SBN 279227) MARGULIES FAITH, LLP 16030 Ventura Blvd., Suite 470 Encino California 91436 Telephone: (818) 705-2777 Facsimile: (818) 705-3777 Email: Noreen@MarguliesFaithLaw.com	FOR COURT USE ONLY			
☐ Debtor(s) appearing without an attorney ☐ Attorney for: Rosendo Gonzalez, Chapter Trustee				
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION				
In re:	CASE NO.: 2:17-bk-11972-RK			
DEVEDLY MONIOUE MUDDAY CALCOTE	CHAPTER: 7			
BEVERLY MONIQUE MURRAY-CALCOTE,	NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION			
	[LBR 9013-1(o)]			
Debtor(s).	[No hearing unless requested in writing]			
TO THE U.S. TRUSTEE AND ALL PARTIES ENTITLED T	O NOTICE, PLEASE TAKE NOTICE THAT:			
Movant(s) Rosendo Gonzalez, Chapter 7 Trustee				
filed a motion or application (Motion) entitled Motion for Extension of Time for Filing Complaint Objecting to Debtor's				
Discharge; Memorandum of Points and Authorities; De	claration of Rosendo Gonzalez in Support Thereof			
Movant(s) is requesting that the court grant the Motion party in interest timely files and serves a written opposit	without a hearing as provided for in LBR 9013-1(o), unless a tion to the Motion and requests a hearing.			
3. The Motion is based upon the legal and factual grounds	The Motion is based upon the legal and factual grounds set forth in the Motion. (Check appropriate box below):			
The full Motion is attached to this notice; or				
The full Motion was filed with the court as docket er attached to this notice.	ntry #, and a detailed description of the relief sought is			
	N PAPERS AND REQUEST FOR A HEARING: Pursuant to request a hearing on the Motion. The deadline to file and serve			

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).

EXHIBIT 1

a written opposition and request for a hearing is 14 days after the date of service of this notice, plus 3 additional days if

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- a. If you timely file and serve a written opposition and request for a hearing, movant will file and serve a notice of hearing at least 14 days in advance of the hearing. [LBR 9013-1(o)(4)]
- b. If you fail to comply with this deadline:
 - (1) Movant will file a declaration to indicate: (1) the Motion was properly served, (2) the response period elapsed, and (3) no party filed and served a written opposition and request for a hearing within 14 days after the date of service of the notice [LBR 9013-1(o)(3)];
 - (2) Movant will lodge an order that the court may use to grant the Motion; and
 - (3) The court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice. [LBR 9013-1(h)]

Respectfully submitted,

Noreen A. Madoyan Date: 05/15/2017

Signature of Movant or attorney for Movant

/s/ Noreen A. Madoyan

Printed name of Movant or attorney for Movant

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1 WHEREFORE, the Trustee prays that the deadline to file complaints under 11		
2 U.S.C. § 727 be extended for approximately 120 days to September 29, 2017 for the		
3 Trustee and the United States Trustee.		
4 DATED: May 15, 2017 MARGULIES FAITH, LLP		
5 MARGOLIES PAITTI, EEF		
6 By: <u>/s/ Noreen A. Madoyan</u> Noreen A. Madoyan		
7 Attorneys for Rosendo Gonzalez, Chapter 7 Trustee		
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MEMORANDUM OF POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS

- 1. On February 17, 2017, Beverly Monique Murray-Calcote ("Debtor") commenced the instant case by filing a voluntary petition for relief under Chapter 7 of Title 11 of the United States Bankruptcy Code. Rosendo Gonzalez is the duly appointed, qualified and acting trustee of the Debtor's bankruptcy estate.
- 2. The Trustee is in the process of investigating the Debtor's book and records, recovering documents from the Debtor, and determining if there exist grounds for denial of the Debtor's discharge under 11 U.S.C. § 727.
- 3. The Trustee has already discovered possible concealment of assets, including multiple businesses, real property and bank account interests. The Debtor and her non-filing spouse have failed to disclose their interest in at minimum five (5) separate corporations (the "Business Entities") and six (6) distinct bank accounts, as well as a potential interest in real property located in North Carolina. The Debtor is also the beneficiary of the Bobbye J. Rives Trust (the "Trust"), which was not disclosed on her schedules. The Trustee has demanded production of personal and Trust bank statements, tax returns and documents related to the Business Entities and the Trust. To date, the Trustee's emails have gone unanswered and these documents have not been provided to the Trustee.
- 4. The Debtor's initial Section 341(a) meeting of creditors occurred on March 24, 2017. Thus, the original deadline to file complaints under § 727 is May 23, 2017 (the "727 Deadline").
- 5. At the initial Section 341(a) examination on March 24, 2017 (the "Initial 341(a)"), the Trustee requested that the Debtor produce several of the above-listed documents. On April 18, 2017, the Trustee sent an email to Debtor's counsel outlining the document request, and requesting that the Debtor file amended schedules, based on information the Trustee received subsequent to the Initial 341(a) (the "April 18 Email").

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Debtor failed to respond to the April 18 Email.

- 6. A continued meeting was set for May 1, 2017. Debtor failed to appear for the May 1st meeting and has still not produced any documents in response to the April 18 Email.
- 7. On May 2, 2017, the United States Trustee sent an email to the Debtor's counsel memorializing the Debtor's failure to appear at the May 1 meeting of creditors, and requesting that the Debtor stipulate to an extension of the 11 U.S.C. §727 Deadline. To date, no response from Debtor's counsel has been received.
- 8. At this time, the Trustee desires additional time to continue his investigation, and during this time, to preserve the right to file a section 727 Complaint against the Debtor on behalf of the Trustee and the United States Trustee.
- 9. For the foregoing reasons, the Trustee requests that the 727 Deadline be extended approximately 120 days to and including September 29, 2017.

II.

DISCUSSION

A. The Court May Extend The Deadline For Filing Section 727 Complaints

Federal Rule of Bankruptcy Procedure 4004 provides in pertinent part:

Complaints objecting to the debtor's discharge under § 727(a) shall be filed not later than 60 days following the first meeting of creditors held pursuant to § 341(a)... On motion of any party in interest after notice and hearing, the Court may for cause extend the time fixed under this subdivision. The motion shall be made before the time has expired.

The Trustee believes that cause exists to further extend the deadline given the necessity to continue to ascertain and obtain any and all information regarding the Debtor's financial affairs, and to complete investigation of matters relevant to the grant of discharge. As such, until such time as those tasks are completed, it is not possible to fully evaluate the grounds upon which a § 727 complaint may be filed. Further, to date, the Debtor and her counsel have been non-responsive to the Trustee and the U.S.

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Trustee's emails, as such the Trustee has not obtained sufficient information to determine whether grounds for objecting to discharge may exist. Therefore, the examination is continuing and it would not appear to be in the interest of the Debtor or any other party to require that complaints be filed at this stage of the investigation.

This Motion is timely since the last day to file complaints under § 727 is presently set for May 23, 2017. The Trustee respectfully requests that the Deadline be extended to and including September 29, 2017.

B. Local Bankruptcy Rule 9013-1(o)(1) Authorizes The Court To Provide The Relief Sought Without A Hearing

Local Bankruptcy Rule 9013-1(o)(1) provides, "Any matter that may be set for hearing in accordance with 9013-1 may be determined upon notice of opportunity to request a hearing."

Further, Section 102(1)(B) of the Bankruptcy Code provides,

(1) "after notice and a hearing", or a similar phrase - (B) authorizes an act without an actual hearing if such notice is given properly and if - (i) such a hearing is not requested timely by a party in interest.

In the case at bar, this Motion was served upon the Debtor, parties requesting special notice and the Office of the United States Trustee. The Trustee does not expect any opposition to the Motion given the circumstances. Thus, the Trustee respectfully requests that the Court find that notice has been sufficient for the purpose of this Motion and that the Motion be approved without the need for a hearing. In the event a hearing is requested, the Trustee shall promptly schedule and notice a hearing.

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1 III.

2 <u>CONCLUSION</u>

Based upon the forgoing, the Trustee respectfully requests that the Court: (1) grant the Motion and extend the time for filing a 727 Complaint by the Trustee or United States Trustee up to and including September 29, 2017; and (2) grant such and further relief as is just and proper under the circumstances.

DATED: May 15, 2017 MARGULIES FAITH, LLP

By: <u>/s/ Noreen A. Madoyan</u>
Jeremy W. Faith
Noreen A. Madoyan
Attorneys for Rosendo Gonzalez,
Chapter 7 Trustee

DECLARATION OF ROSENDO GONZALEZ

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I, Rosendo Gonzalez, declare as follows:

- 1. I am the duly-appointed, qualified and acting Chapter 7 trustee for the bankruptcy estate of Beverley Monique Murray-Calcote (the "Debtor"). I have personal knowledge of the facts stated herein, except where stated upon information and belief, and as to such statements, I believe them to be true.
- This declaration is submitted in support of the foregoing Motion for
 Extension of Time for Filing Complaint Objecting to Debtor's Discharge (the "Motion").
 Defined terms in the Motion shall have the same meaning herein.
- 3. On February 17, 2017, Beverly Monique Murray-Calcote ("Debtor") commenced the instant case by filing a voluntary petition for relief under Chapter 7 of Title 11 of the United States Bankruptcy Code.
- 4. I am in the process of investigating the Debtor's book and records, recovering documents from the Debtor, and determining if there exist grounds for denial of the Debtor's discharge under 11 U.S.C. § 727.
- 5. I have already discovered possible concealment of assets, including multiple businesses, real property and bank account interests. The Debtor and her non-filing spouse have failed to disclose their interest in at minimum five (5) separate corporations (the "Business Entities") and six (6) distinct bank accounts, as well as a potential interest in real property located in North Carolina. The Debtor is also the beneficiary of the Bobbye J. Rives Trust (the "Trust"), which was not disclosed on her schedules. I have demanded production of personal and Trust bank statements, tax returns and documents related to the Business Entities and the Trust. To date, my emails have gone unanswered and these documents have not been provided to me.
- 6. The Debtor's initial Section 341(a) meeting of creditors occurred on March 24, 2017. Thus, the original deadline to file complaints under § 727 is May 23, 2017 (the "727 Deadline").
 - 7. At the initial Section 341(a) examination on March 24, 2017 (the "Initial

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 16030 Ventura Blvd., Suite 470, Encino, CA 91436

A true and correct copy of the foregoing document entitled (*specify*): <u>NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTON [LBR 9013-1(0)] AND MOTION FOR EXTENSION OF TIME FOR FILING COMPLAINT OBJECTING TO DEBTOR'S DISCHARGE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ROSENDO GONZALEZ IN SUPPORT THEREOF will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:</u>

1. <u>TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)</u>: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) <u>May 15, 2017</u>, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:
ATTORNEY FOR DEBTOR: Alon Darvish alon@bankruptcylalaw.com, darvishecf@gmail.com;r50916@notify.bestcase.com ATTORNEY FOR CHAPTER 7 TRUSTEE: Jeremy Faith Jeremy@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com;Noreen@MarguliesFaithlaw.com;Victoria@MarguliesFaithlaw.com;Brian@MarguliesFaith aw.com
CHAPTER 7 TRUSTEE: Rosendo Gonzalez (TR) rgonzalez@ecf.epiqsystems.com, itran@gonzalezplc.com,khernandez@gonzalezplc.com,rossgonzalez@gonzalezplc.com ATTORNEY FOR CHAPTER 7 TRUSTEE: Noreen A Madoyan Noreen@MarguliesFaithLaw.com, Helen@MarguliesFaithlaw.com;Victoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com OUST: United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov COURTESY NEF FOR CREDITOR BMW BANK OF NORTH AMERICA C/O ASCENSION CAPITAL GROUP: Zann R Welch ecfnotices@ascensioncapitalgroup.com
Service information continued on attached page
2. SERVED BY UNITED STATES MAIL: On (date) May 15, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed. JUDGE'S COPY: Honorable Robert Kwan, U.S. Bankruptcy Court, 255 E. Temple Street, Suite 1682, Los Angeles, CA 90012 DEBTOR: Beverly Monique Murray-Calcote, 3166 West Avenue M-2, Lancaster, CA 93536
3. <u>SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL</u> (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date), I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge <u>will be completed</u> no later than 24 hours after the document is filed.
☐ Service information continued on attached page
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. May 15, 2017 Victoria Castrellon /s/ Victoria Castrellon Date Printed Name Signature
Date Fillited Natifie Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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ADDITIONAL SERVICE INFORMATION (if needed):

2. TO BE SERVED BY U.S. MAIL:

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

BMW Financial Services 5550 Britton Pkwy Hilliard, OH 43026-7456 Bank of America PO BOX 650225 Dallas, TX 75265-0225

Chris Albence & Assoc 7777 Fay Avenue Suite 205 La Jolla, CA 92037-4324 Inglewood Park Cemetary PO BOX 6042 Inglewood, CA 90312-6042 Los Angeles Police FCU 16150 Sherman Way Van Nuys, CA 91406-3938

Nationstar Mortgage PO BOX 619063 Dallas, TX 75261-9063 Unify Financial Credit Union PO BOX 10018 Manhattan Beach, CA 90267-7518

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 16030 Ventura Blvd, Suite 470. Encino, CA 91436

A true and correct copy of the foregoing document entitled: **DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION [LBR 9013-1(o)(3)]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

		FELECTRONIC FILING (NEF): Pursuant to controlling
document. On June 5,	2017 , I checked the CM/ECF doe following persons are on the E	be served by the court via NEF and hyperlink to the bocket for this bankruptcy case or adversary proceeding lectronic Mail Notice List to receive NEF transmission at
		Service information continued on attached page
the last known address thereof in a sealed env	es in this bankruptcy case or ad elope in the United States mail, onstitutes a declaration that mai	5, 2017, I served the following persons and/or entities at versary proceeding by placing a true and correct copy first class, postage prepaid, and addressed as follows. ling to the judge will be completed no later than 24 hours
JUDGE'S COPY: Hond Angeles, CA 90012	orable Robert Kwan, U.S. Bankru	uptcy Court, 255 E. Temple Street, Suite 1682, Los
DEBTOR : Beverly Mon	ique Murray-Calcote, 3166 Wes	t Avenue M-2, Lancaster, CA 93536
		☐ Service information continued on attached page
(state method for each , I serve those who consented in Listing the judge here c	person or entity served): Pursud the following persons and/or endowriting to such service method	IT MAIL, FACSIMILE TRANSMISSION OR EMAIL uant to F.R.Civ.P. 5 and/or controlling LBR, on (date) ntities by personal delivery, overnight mail service, or (for b, by facsimile transmission and/or email as follows. sonal delivery on, or overnight mail to, the judge will be filed.
None.		☐ Service information continued on attached page
I declare under penalty correct.	of perjury under the laws of the	United States of America that the foregoing is true and
June 5, 2017	Victoria Castrellon	/s/ Victoria Castrellon
Date	Type Name	Signature

ADDITIONAL SERVICE INFORMATION (if needed):

2. SERVED BY UNITED STATES MAIL:

ATTORNEY FOR DEBTOR: Alon Darvish alon@bankruptcylalaw.com,

darvishecf@gmail.com;r50916@notify.bestcase.com

ATTORNEY FOR CHAPTER 7 TRUSTEE: Jeremy Faith Jeremy@MarguliesFaithlaw.com,

Helen@MarguliesFaithlaw.com;Noreen@MarguliesFaithlaw.com;Victoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com;acom

<u>CHAPTER 7 TRUSTEE</u>: Rosendo Gonzalez (TR) rgonzalez@ecf.epiqsystems.com,

itran@gonzalezplc.com,khernandez@gonzalezplc.com,rossgonzalez@gonzalezplc.com

ATTORNEY FOR CHAPTER 7 TRUSTEE: Noreen A Madoyan Noreen@MarguliesFaithLaw.com,

Helen @MarguliesFaithlaw.com; Victoria @MarguliesFaithlaw.com; Brian @MarguliesFaithlaw.com

<u>UST</u>: United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

COURTESY NEF FOR CREDITOR BMW BANK OF NORTH AMERICA C/O ASCENSION CAPITAL GROUP: Zann R

Welch ecfnotices@ascensioncapitalgroup.com